UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,437	08/07/2003	Alejandro Wiechers	200207446-1	8548

22879   7590   06/08/2009

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
SINGH, SATWANT K

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
06/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
jessica.l.fusek@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

———————

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

———————

Ex parte ALEJANDRO WIECHERS

———————

Appeal 2009-3725
Application 10/635,437
Technology Center 2600

———————

Decided:[1] June 4, 2009

———————

Before MAHSHID D. SAADAT, KARL D. EASTHOM,
and ELENI MANTIS MERCADER, *Administrative Patent Judges.*

MANTIS MERCADER, *Administrative Patent Judge.*

DECISION ON APPEAL

---

[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's
rejection of claims 1-8 and 18-23. We have jurisdiction under 35 U.S.C.
§ 6(b).

We affirm.

INVENTION

Appellant's claimed invention is directed to a method, program
product, and system for performing automated packaging in a commercial
printing environment including a designer location and a print service
provider location (Spec. ¶ [0012]). According to the invention, a production
ready file is created at the designer location using updated device
configuration information from the print service provider location, where the
production ready file includes packaging instructions (Spec. ¶ [0012]). The
production ready file is provided to the print service provider location via an
electronic network and the printed output is packaged at a packaging device
in accordance with packaging instructions from the production ready file
(Spec. ¶ [0012]).

Claim 1, reproduced below, is representative of the subject matter on
appeal:

> A method of performing automated packaging on a
> printed output in a commercial printing environment that
> includes a designer location and a print service provider
> location, said method comprising:

creating at the designer location a digital file that represents an image to be printed;

receiving at the designer location from the print service provider location real time configuration information regarding a print production device at the print service provider location;

generating at the designer location packaging instructions that describe how the printed output is to be packaged for shipment after printing, the packaging instructions being generated relative to the received configuration information;

creating at the designer location a high performance file that contains the digital file and the packaging instructions;

submitting the high performance file from the designer location to the print service provider location via an electronic network; and

generating at the print service provider location a printed output of the digital file and packaging the printed output at the print service provider location in accordance with the packaging instructions contained within the high performance file.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Hansen   US 6,407,820 B1   Jun. 18, 2002

The following rejection is before us for review:

The Examiner rejected claims 1-8 and 18-23 under 35 U.S.C. § 102(b) as being anticipated by Hansen.

Appellant argues claims 1-8 as a group, with claim 1 as representative (App. Br. 8-16). Furthermore, Appellant relies on the same arguments

presented for claims 18-23 (App. Br. 17-18), and thus, these claims also stand or fall with claim 1.[2] *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUES

Creating at the Designer Location a Digital File

Appellant contends that Hansen's job preparation is an action, not a location, and Hansen explicitly states that the action is performed at the print shop, not at a designer location wherein the document to be printed was created (App. Br. 9).

The Examiner finds that just because the job preparation stations are located in the print shop, it does not mean that they do not constitute designer locations (Ans. 10). The Examiner finds that any location that can create/modify and submit a print job over the network can be a designer location (Ans. 10).

The first issue before us, then, is as follows:

Has Appellant shown that the Examiner erred by finding that Hansen teaches "creating at the designer location a digital file that represents an image to be printed" as recited in representative claim 1?

Real Time Configuration Information Regarding a Print Production Device

Appellant argues that a disclosure of a print server being coupled to output devices is not a teaching of receiving "real time configuration

---

[2] Only arguments made by Appellant have been considered in this decision. Arguments which Appellant could have made but did not make in the Brief have not been considered and are deemed waived. See 37 C.F.R. § 41.37(c)(1)(vii) (2004).

information," and neither is a general reference to job attributes and load balancing (App. Br. 12).

The Examiner responds that Hansen teaches that the print server performs automated processes including spooling and queuing jobs and job content, directing the jobs to specific production output devices, and load balancing among the various production output devices (Ans. 11; col. 7, 1. 63-col. 8, l. 1). The Examiner further finds that Hansen teaches that the print server 120 is coupled to the job preparation stations 116 (Ans. 11; col. 7, ll. 42-46). The Examiner also finds that Hansen teaches that the workflow management software provides visual feedback of each of the output devices status to the user such as the current job queue (Ans. 11; col. 13, ll. 4-10). The Examiner reasons that Hansen's reference to the "current" job queues feedback constitutes information being exchanged in real time (Ans. 11).

The second issue before us is as follows:

Has Appellant shown that the Examiner erred by finding that Hansen teaches "receiving at the designer location . . . real time configuration information regarding a print production device at the print service provider location" as recited in representative claim 1?

Generating at the Designer Location Packaging Instructions and Packaging the Printed Output

Appellant contends that Hansen does not disclose generating at the designer location packaging instructions that describe how the printed output is packaged for shipment (App. Br. 11).

The Examiner responds that Hansen teaches that job preparation includes preparing the documents for printing according to the instructions in the ticket, which includes all of the instructions for completing the production printing task (Ans. 12; col. 5, ll. 11-29). Furthermore, the Examiner finds that Hansen teaches various degrees of finishing, such as stapling or binding (Ans. 12; col. 8, ll. 7-20). The Examiner reasoned that the job preparation stations are the designer location and the instructions for completing the production printing include finishing tasks such as binding. The Examiner further states that how the printed document is to be bound constitutes the packaging instructions (Ans. 13).

The third issue before us is as follows:

Has Appellant shown that the Examiner erred by finding that Hansen teaches "generating at the designer location packaging instructions" and "packaging the printed output" as recited in representative claim 1?

FINDINGS OF FACT

The relevant facts include the following:

1.   Hansen teaches that job preparation workstations 116 provide the print shop with the capability to add value to the print production process by modifying the documents provided by the customer by adding features such as adding page numbers, or adjusting page layout, or aligning the output to account for binding (col. 6, ll. 51-59).

2.   Hansen also teaches that job preparation stations 114 provide the capability to fix errors in the documents such as removing artifacts in

scanned images and masking over unwanted text or markings (col. 6, ll. 59-67).

3.   Hansen teaches that the print server performs automated processes including spooling and queuing jobs and job content (i.e., the document), directing the jobs to specific production output devices based on the attributes of the print job, and load balancing among the various production output devices to keep all printers fully utilized (col. 7, l. 61-col. 8, l. 1).

4.   Hansen further teaches that the print server 120 is coupled to the job preparation stations 116 (col. 7, ll. 42-46).

5.   Hansen also teaches that the workflow management software provides visual feedback of each of the output devices status to the job preparation workstations 116 including information such as the "current job queues" (col. 13, ll. 4-10).

6.   Hansen teaches that front computers 114 provide the ability to generate an electronic ticket containing all the instructions for completing the production printing task (col. 5, ll. 11-29).

7.   Hansen further teaches various degrees of finishing processes, such as stapling or binding (col. 8, ll. 7-20).

8.   The term "packaging" is defined, in pertinent part as: "to present (as a product) in such a way as to heighten its appeal to the public." Merriam-Webster Online Dictionary, http://www.merriam-webster.com/dictionary/packaging (last visited May 29, 2009).

9.   Appellant's own definition of packaging is: "[p]ackaging refers to the *organization and preparation of the finished output* in a cost-effective

manner so that it may be shipped to the appropriate parties" (Spec. ¶ [0009] (emphasis added)).

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. Inc., v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The claim terms should be given their broadest reasonable meaning in their ordinary usage as such claim terms would be understood by one skilled in the art by way of definitions and the written description. *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

> The claims, of course, do not stand alone. Rather, they are part of "a fully integrated written instrument" . . . consisting principally of a specification that concludes with the claims. For that reason, claims "must be read in view of the specification, of which they are a part." . . . . [T]he specification "is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term."

Phillips v. AWH Corp., 415 F.3d 1303, 1315 (Fed. Cir. 2005).

ANALYSIS

Creating at the Designer Location a Digital File

Hansen teaches that job preparation workstations 116 provide the print shop with the capability to add value to the print production process by

modifying the documents provided by the customer by adding features such as adding page numbers, or adjusting page layout, or aligning the output to account for binding (Finding of Fact 1). Hansen also teaches that job preparation stations 114 provide the capability to fix errors in the documents such as removing artifacts in scanned images and masking over unwanted text or markings (Finding of Fact 2). Thus, Hansen does teach "creating at the designer location a digital file that represents an image to be printed" (i.e., digital file created at workstations 116 and 114 to be printed, which includes modifications and corrections) as recited in representative claim 1. The claim language does not preclude the "designer location" from being within the "print service provider location."

Therefore, we are not persuaded by Appellant's argument that Hansen's job preparation is an action, not a location (App. Br. 9), because workstations 114 and 116 do in fact constitute a designer location.

Real Time Configuration Information Regarding a Print Production Device

Hansen teaches that the print server performs automated processes including spooling and queuing jobs and job content (i.e., the document), directing the jobs to specific production output devices based on the attributes of the print job, and load balancing among the various production output devices to keep all printers fully utilized (Finding of Fact 3). Hansen further teaches that the print server 120 is coupled to the job preparation stations 116 (Finding of Fact 4). Hansen also teaches that the workflow management software provides visual feedback of each of the output devices status to the job preparation workstations 116 including information such as

the "current job queues" (Finding of Fact 5). Thus, Hansen teaches

receiving at the designer location (i.e., job preparation stations 116) real time

configuration information regarding a print production device at the print

service provider location (i.e., feedback of each of the output devices status

such as current job queues). In order for the job queues to be *current*, that

information must necessarily be transmitted in *real time*. Accordingly, we

do not agree with Appellant's argument (App. Br. 12) that Hansen only

discloses that a print server is coupled to output devices and that Hansen

only generally refers to job attributes and load balancing. As stated *supra*,

Hansen teaches real time configuration information being received at the

designer location (Findings of Fact 3-5).

Generating at the Designer Location Packaging Instructions and Packaging the Printed Output

Hansen teaches that front computers 114 provide the ability to

generate an electronic ticket containing all the instructions for completing

the production printing task (Finding of Fact 6). Hansen further teaches

various degrees of finishing, such as stapling or binding (Finding of Fact 7).

The term "packaging" is defined, in pertinent part: "to present (as a product)

in such a way as to heighten its appeal to the public" (Finding of Fact 8).

Binding does heighten the appeal of the product to the public. It then

follows, that binding constitutes packaging, and consequently, instructions

on how the documents will be bound constitute packaging instructions.

Furthermore, Appellant's own definition of packaging is: "[p]ackaging

refers to the *organization and preparation of the finished output* in a cost-

effective manner so that it may be shipped to the appropriate parties"
(Finding of Fact 9). Accordingly, based on Appellant's own definition,
binding, which is a preparation of the finished output, does in fact constitute
packaging. The claim term "packaging" was given its broadest reasonable
meaning in its ordinary usage as such a claim term would be understood by
one skilled in the art by way of definitions (i.e., dictionary definition of
packaging) and the written description (i.e., Appellant's own Specification
definition of packaging). *See Morris*, 127 F.3d at 1054.

Thus, we do not agree with Appellant's argument that Hansen does
not disclose generating at the designer location packaging instructions that
describe how the printed output is packaged for shipment (App. Br. 11).

For all of the above stated reasons, Appellant has not persuaded us
that the Examiner erred in rejecting representative claim 1 and claims 2-8
and 18-23, which fall with claim 1. Accordingly, we sustain the Examiner's
rejection of those claims.

CONCLUSIONS

1. Under 35 U.S.C. § 102, Appellant has not shown that the Examiner
erred by finding that Hansen teaches "creating at the designer location a
digital file that represents an image to be printed" as recited in representative
claim 1 and claims 2-8 and 18-23, which fall with claim 1.

2. Under 35 U.S.C. § 102, Appellant has not shown that the Examiner
erred by finding that Hansen teaches "receiving at the designer

location . . . real time configuration information regarding a print production device at the print service provider location" as recited in representative claim 1 and claims 2-8 and 18-23, which fall with claim 1.

    3. Under 35 U.S.C. § 102, Appellant has not shown that the Examiner erred by finding that Hansen teaches "generating at the designer location packaging instructions" and "packaging the printed output" as recited in representative claim 1 and claims 2-8 and 18-23, which fall with claim 1.

ORDER

    The decision of the Examiner to reject claims 1-8 and 18-23 under 35 U.S.C. § 102 is affirmed.

    No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

<u>AFFIRMED</u>

babc

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004